

Message Text

LIMITED OFFICIAL USE

PAGE 01 BRUSSE 03185 180843Z
ACTION EUR-12

INFO OCT-01 ISO-00 L-03 JUSE-00 OES-07 COME-00 EB-08
CG-00 DOTE-00 DLOS-09 CIAE-00 INR-10 NSAE-00
INT-05 CEQ-01 ACDA-12 AGRE-00 AID-05 CEA-01
DODE-00 EPA-01 SOE-02 DOE-11 FMC-01 TRSE-00 H-01
IO-13 NSC-05 NSF-01 OMB-01 PA-01 PM-05 SP-02
SS-15 USIA-06 /139 W
-----090126 182044Z /64

R 172059Z FEB 78
FM AMEMBASSY BRUSSELS
TO SECSTATE WASHDC 4998
INFO ALL EC CAPITALS

LIMITED OFFICIAL USE BRUSSELS 03185

USEEC

E.O. 11652: N/A
TAGS: EEC, EFIS
SUBJ: EC COURT OF JUSTICE DECISION ON IRISH UNILATERAL
FISHERY CONSERVATION MEASURES

REFS: (A) 77 EC BRUSSELS 4521 (B) 77 DUBLIN 988; (C)
76 THE HAGUE 6050

1. THE EUROPEAN COURT OF JUSTICE RULED FEBRUARY 16 THAT
UNILATERAL FISHERY CONSERVATION MEASURES TAKEN BY IRELAND
IN FEBRUARY 1977 (REF A) WERE IN VIOLATION OF THE ROME
TREATY BECAUSE THEY WERE DISCRIMINATORY. THOSE
MEASURES, WHICH WERE SUSPENDED BY THE GOI FOLLOWING AN
INTERIM COURT INJUNCTION LAST JULY, PLACED A BAN ON
FISHING ACTIVITY WITHIN 50 MILES (AND IN SOME AREAS 100
MILES) OFF THE IRISH COAST BY VESSELS LONGER THAN 33 METERS
OR HAVING ENGINES OVER 1,100 HORSEPOWER, THUS EFFECTIVELY
EXCLUDING DUTCH AND FRENCH FLEETS WHICH HAD TRADITIONALLY
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 BRUSSE 03185 180843Z

FISHED IN THOSE WATERS. THE CASE FOR A RULING OF
DISCRIMINATION WAS BASED ON THE FACT THAT NO IRISH VESSELS
EXCEED THOSE LIMITS.

2. THE COURT ALSO RULED ON THE CASE REFERRED TO IT BY THE
CORK DISTRICT COURT LAST MAY (77 DUBLIN 988), IN
WHICH IT WAS ASKED TO DECIDE, IN THE CONTEXT OF IRISH

SEIZURE OF TEN DUTCH TRAWLERS, WHETHER MEMBER STATES HAVE THE RIGHT TO TAKE UNILATERAL CONSERVATION MEASURES AND WHETHER THE IRISH LEGISLATION IN QUESTION WAS COMPATIBLE WITH COMMUNITY LAW. ALTHOUGH COURT NOTED EXPLICITLY THAT IT DID NOT QUESTION MEMBER STATE RIGHT TO TAKE NON-DISCRIMINATORY UNILATERAL ACTION IN FISHERIES SECTOR, THE COURT DECIDED THAT, IN VIEW OF THE DISCRIMINATORY NATURE OF THE IRISH MEASURES, PROCEEDINGS AGAINST THE TRAWLER MASTERS SHOULD BE DROPPED.

3. AN IRISH PERMREP OFFICIAL TOLD MISSION OFFICER FEBRUARY 16 THAT HIS GOVERNMENT HAD EXPECTED DECISION TO GO AGAINST THEM. HE POINTED OUT, HOWEVER, THAT IN ANNOUNCING THIS DEFINITIVE DECISION, THE COURT HAS FINALLY PLACED ON AN UNQUESTIONED LEGAL BASIS THE OCTOBER 30, 1976 DECISION BY EC FOREIGN MINISTERS (REF C) THAT MEMBER STATES CAN TAKE NON-DISCRIMINATORY UNILATERAL CONSERVATION MEASURES IN THE ABSENCE OF AGREED COMMUNITY CONSERVATION MEASURES. HINTON

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CONSERVATION, COURT DECISIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 17 feb 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978BRUSSE03185
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780076-0849
Format: TEL
From: BRUSSELS USEEC
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780243/aaaabkge.tel
Line Count: 80
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 575d47d5-c288-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 77 EC BRUSSELS 4521, 77 DUBLIN 988
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3565927
Secure: OPEN
Status: NATIVE
Subject: EC COURT OF JUSTICE DECISION ON IRISH UNILATERAL FISHERY CONSERVATION MEASURES
TAGS: EFIS, EEC
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/575d47d5-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014